

#3



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ross et al.	Examiner:	Unassigned
Application No.:	10/539,958	Group Art Unit:	Unassigned
Confirmation No.:	6819	Attorney Docket No.:	1421-91 PCT/US
Filing Date:	June 17, 2005		
International Applic. No.:	PCT/GB03/05459	International Filing Date:	December 15, 2003
Title:	CHILLER UNIT	Dated:	May 17, 2006

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 17, 2006.

Signed: Marcy H. Mancuso *Marcy H. Mancuso*

PETITION UNDER 37 C.F.R. § 1.47(b)

Sir:

1. The owner of the above-identified application hereby petitions the United States Patent and Trademark Office under 37 C.F.R. § 1.47(b) to allow the owner to prosecute the above-identified application where neither a declaration nor an oath has been executed by the inventors.

05/23/2006 SDENB081 00000046 082461 10539958

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2. The required fee of \$200.00 for the present Petition is attached hereto (37 C.F.R. §§ 1.47(b), 1.17(g)). No additional fee is believed to be required for entry of the present Petition in the record of the above-identified application. However, if any additional fee is required, the USPTO is authorized and requested to charge any and all such fees to the Deposit Account No. 08-2461.

3. The above-identified application is the U.S. national phase application of the International Application No. PCT/GB2003/005459 (the "PCT Application", International Publication No. WO 2004/056242 A1). A copy of International Publication No. WO 2004/056242 A1 (cover page only) is attached hereto as Exhibit 1.

4. The PCT Application is owned by Cadbury Confectionery Limited ("Cadbury"). This is indicated by the identification of Cadbury as the "Applicant" in International Publication No. WO 2004/056242 A1 (see Exhibit 1) and the above-identified application being the U.S. national phase application thereof.

5. Cadbury is represented by Marks & Clerk for the PCT Application. This is indicated by the identification of Marks & Clerk as the "Agent" in International Publication No. WO 2004/056242 A1 (see Exhibit 1).

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6. Marks & Clerk requested that Hoffmann & Baron, LLP file the above-identified application in the USPTO. This is indicated by the letter from Marks & Clerk to Hoffmann & Baron, LLP dated June 10, 2005. A copy of this letter is attached hereto as Exhibit 2.

7. I am employed by Hoffmann & Baron, LLP.

8. Hoffmann & Baron, LLP received a Notification of Missing Requirements dated October 17, 2005 from the USPTO. A copy of the Notification of Missing Requirements is attached hereto as Exhibit 3. The Notification of Missing Requirements requires that a Declaration executed by the inventors be submitted to the USPTO. A response to the Notification of Missing Requirements is being filed in the USPTO on the same date as the filing of the present Petition in the USPTO.

Diligent Effort to Obtain Execution of Declaration by Inventors (37 C.F.R. § 1.47(b))

9. On November 2, 2005, a letter was sent by Hoffmann & Baron, LLP to Marks & Clerk regarding the Notification of Missing Requirements for the above-referenced application. The letter informed Marks & Clerk of the requirement of a Declaration. The letter indicates that enclosed therewith were copies of the Combined Declaration and Power of Attorney, and Assignment. The letter is referenced in the Declaration of Gordon F. Belcher, paragraph 3, attached hereto as Exhibit 4.

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10. On March 23, 2006, I sent an email to Ms. Colleen Kramer of Cadbury regarding the Notification of Missing Requirements for the above-referenced application. Attached to the email were copies of the Combined Declaration and Power of Attorney, and Assignment (see Exhibit 4, Declaration of Gordon F. Belcher, paragraph 4).

11. On April 5, 2006, an email was received from Ms. Kramer indicating that she had attempted, without success, to locate the inventors. The email contains a request that Hoffmann & Baron, LLP contact the inventors (see Exhibit 4, Declaration of Gordon F. Belcher, paragraph 5).

12. On April 10, 2006, letters were sent by the office of Hoffmann & Baron, LLP to the persons who I understand to be the inventors of the above-identified application (see Exhibit 4, Declaration of Gordon F. Belcher, paragraph 6). I understand the inventors of the above-identified application to be the same as the inventors identified in the PCT application (see Exhibit 1). These inventors are Messrs. Darryn Ross, Rod Stuart, and Andrew Bissett. Enclosed with each letter was a Combined Declaration and Power of Attorney, and Assignment for the above-identified application.

13. On or shortly before April 20, 2006, Ms. Marcy H. Mancuso located addresses and phone numbers for the persons who I understand to be the inventors of the above-identified application. This is referenced in the Declaration of Marcy H. Mancuso, paragraph 2, attached hereto as Exhibit 5.

14. On April 20, 2006, Ms. Mancuso telephoned Messrs. Ross and Bissett. Ms. Mancuso was not able to speak directly to Messrs. Ross and Bissett. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 2.)

15. On April 21, 2006, Ms. Mancuso sent an email to Mr. Bissett regarding the documents relating to the above-identified application which had been previously sent to him. This email requests the immediate attention of Mr. Bissett to the documents. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 3.)

16. On April 21, 2006, Ms. Mancuso sent a letter to Mr. Ross regarding the documents relating to the above-identified application which had been previously sent to him. This letter requests the immediate attention of Mr. Ross to the documents. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 3.)

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17. On April 20, 2006, Ms. Mancuso spoke directly to Mr. Stuart by telephone. Mr. Stuart indicated that he had not received the documents relating to the above-identified application which had been previously sent to him. Mr. Stuart indicated that he had a "new street address" and provided it to Ms. Mancuso. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 2.)

18. On April 21, 2006, Ms. Mancuso sent a letter to Mr. Stuart regarding the documents relating to the above-identified application which had been previously sent to him. This letter requests the immediate attention of Mr. Stuart to the documents. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 5.)

19. On April 30, 2006, I received an email from Mr. Stuart which was directed to Ms. Mancuso. In the email, Mr. Stuart stated that he had not received a package from Hoffmann & Baron, LLP. The email contains an address which is the same as the address previously provided by Mr. Stuart. (see Exhibit 4, Declaration of Gordon F. Belcher, paragraph 7; Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 6.)

20. On May 3, 2006, Ms. Mancuso sent an email to Mr. Stuart regarding the documents relating to the above-identified application which had been previously sent to him. This email indicates that Ms. Mancuso would send copies of the documents to Mr. Stuart at his

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new address. (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 7.) Pursuant thereto, Ms. Mancuso sent the documents to the new address (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 8).

21. I have not received either the Combined Declaration and Power of Attorney, or Assignment executed by any of Messrs. Ross, Stuart, and Bissett (see Exhibit 4, Declaration of Gordon F. Belcher, paragraph 9). I believe that Hoffmann & Baron, LLP has not received either the Combined Declaration and Power of Attorney, or Assignment executed by any of Messrs. Ross, Stuart, and Bissett since I would have received such documents.

Proprietary interest in application (37 C.F.R. § 1.47(b))

22. Cadbury has a proprietary interest in the above-identified application by virtue of the ownership thereof by Cadbury. This is indicated by the identification of Cadbury as the "Applicant" in the PCT Application (see Exhibit 1) and the above-identified application being the U.S. national phase application thereof.

23. The ownership of the above-identified application by Cadbury is further indicated by the Letters Patent No. 523377 of New Zealand (the "New Zealand Patent") upon which the PCT Application is based. A copy of the New Zealand Patent is attached hereto as Exhibit 6.

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24. The New Zealand Patent is identified in the "Priority Data" of the PCT Application (see Exhibit 1). The New Zealand Patent states that Cadbury "is entitled to be registered as the proprietor of the patent hereinafter granted" (see Exhibit 6).

25. The ownership of the above-identified application by Cadbury entitles Cadbury to prosecute the above-identified application.

26. A statement pursuant to 37 C.F.R. § 3.73 will be submitted to the USPTO as soon as possible.

Declaration, Inventors Addresses, Preservation of Cadbury's Rights (37 C.F.R. § 1.47(b))

27. The Declaration required by 37 C.F.R. § 1.47(b) executed by a person authorized to act on behalf of Cadbury will be submitted to the USPTO as soon as possible.

28. Following are addresses of the inventors which were obtained on or shortly before April 20, 2006 (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 2):

Mr. Darryn Ross
9 Klondyke Drive
Hornby
Christchurch, New Zealand

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Mr. Rod Stuart
33 Buchan Street
Christchurch, New Zealand

Mr. Andrew Bissett
P.O. Box 37671
Parnell
Auckland, New Zealand

This address of Mr. Stuart is believed to be the current address thereof based on a telephone conference between him and Ms. Mancuso (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 3). These addresses of Messrs. Ross and Bissett are believed to likely be the current addresses thereof because of the availability of the addresses on the internet on or shortly before April 20, 2006 (see Exhibit 5, Declaration of Marcy H. Mancuso, paragraph 3). Additional addresses of Messrs. Ross and Bissett are contained in the "Inventors" of the PCT Application (see Exhibit 1).

29. Preservation of the rights of Cadbury in the above-identified application requires the granting of the present Petition. If the present Petition is not granted, then the above-identified application will become abandoned since an extension of time beyond May 17, 2006 under 37 C.F.R. § 1.136(a) is not available.

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30. The USPTO is requested to direct any questions or comments relating to the above-identified application to Mr. Gordon F. Belcher at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gordon F. Belcher". The signature is written in dark ink and is positioned above a horizontal line.

Gordon F. Belcher
Registration No.: 33,156
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property
Organization
International Bureau



(43) International Publication Date
8 July 2004 (08.07.2004)

PCT

(10) International Publication Number
WO 2004/056242 A1

(51) International Patent Classification⁷: A47F 3/04

(21) International Application Number:
PCT/GB2003/005459

(22) International Filing Date:
15 December 2003 (15.12.2003)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
523377 20 December 2002 (20.12.2002) NZ

(71) Applicant (for all designated States except US): CAD-
BURY CONFECTIONERY LIMITED [NZ/NZ]; 494
Rosebank Road, Avondale, Auckland (NZ).

(72) Inventors; and

(75) Inventors/Applicants (for US only): ROSS, Darryn

[NZ/NZ]; 9 Klondyke Drive, Christchurch (NZ). STU-
ART, Rod [NZ/NZ]; 168 Cumnor Terrace, Christchurch
(NZ). BISSETT, Andrew [NZ/NZ]; 18b/125 The Strand,
Parnell, Auckland (NZ).

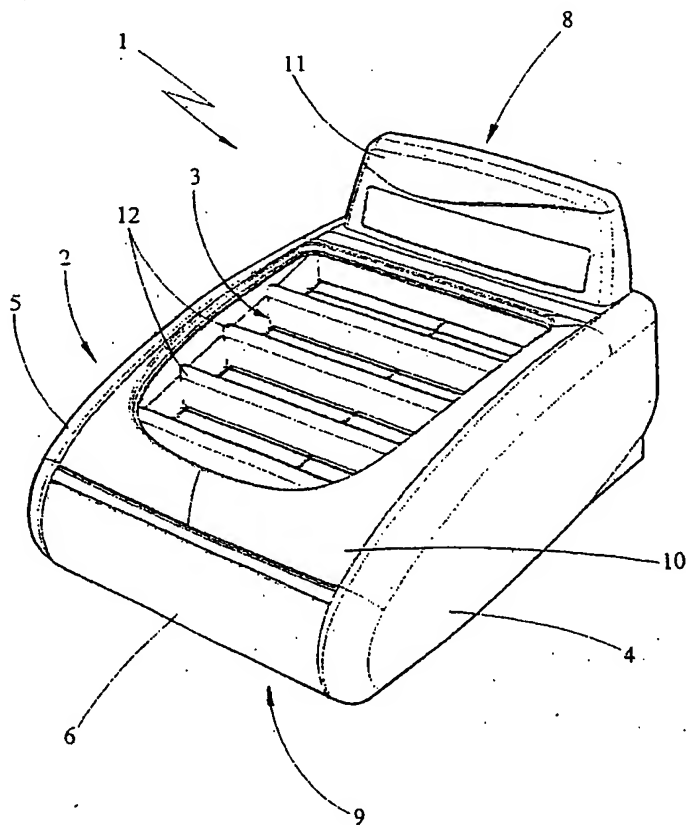
(74) Agent: WARD, David, I.; Marks & Clerk, Alpha Tower,
Suffolk Street Queensway, Birmingham B1 1TT (GB).

(81) Designated States (national): AE, AG, AI, AM, AT, AU,
AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO,
CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB,
GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG,
KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG,
MK, MN, MW, MX, MZ, NI, NO, OM, PG, PH, PL, PT,
RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR,
TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (regional): ARIPO patent (BW, GH,
GM, KE, LS, MW, MZ, SD, SI, SZ, TZ, UG, ZM, ZW),
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,

[Continued on next page]

(54) Title: CHILLER UNIT



(57) Abstract: The invention provides an open topped refrigeration unit (1) which includes an outer case (2) having internal walls (4,5,6,7) and a base panel (19) defining an internal compartment (3), a refrigerated air generator (44), a duct (46), and a skirt (10). The duct (46) directs chilled air generated by the refrigerated air generator (44) around the internal compartment (3) and the skirt (10) is adapted to frame the open top of the internal compartment (3) and to direct the chilled air flow into the internal compartment (3).

WO 2004/056242 A1

MARKS & CLERK

Patent and Trade Mark Attorneys

European Patent Attorneys
Chartered Patent Attorneys
European Trade Mark Attorneys
Registered Trade Mark Attorneys

Birmingham Office
Alpha Tower
Suffolk Street Queensway
Birmingham B1 1TT

Tel: +44 (0)121 643 5881
Fax: +44 (0)121 606 4766
+44 (0)121 634 2342
birmingham@marks-clerk.com
www.marks-clerk.com

FAO Daniel A. Scola, Jr
Hoffmann & Baron, LLP
1055 Parsippany Boulevard
Parsippany, NJ 07054 USA

Our Ref: W072513PUS

dkf
1421-91 PCT/US
(1421-0287)

10 June 2005

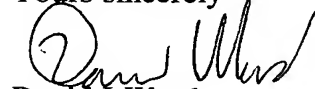
Dear Daniel

re: **Chapter I Phase Processing in USA**
PCT Application No. GB2003/005459 filed 15 December 2003

In accordance with the enclosed standard instruction letter, I would be grateful if you could take this case into the US national phase.

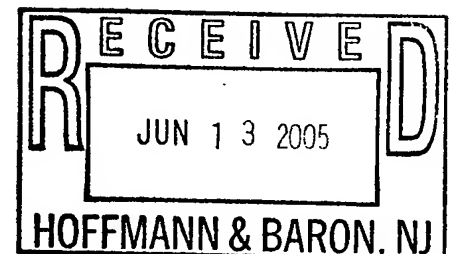
For the purposes of an IDS, in addition to the international search report (enclosed), we are also aware of US 4,106,305 which was cited against the corresponding New Zealand case.

Yours sincerely



David I. Ward
(MARKS & CLERK)

Encl: instruction letter



A list of Marks & Clerk Patent and Trade Mark Attorneys partners is available for inspection at 90 Long Acre, London WC2E 9RA.

Marks & Clerk Patent and Trade Mark Attorneys has offices as follows:

UK: Birmingham Cambridge Cheltenham Edinburgh Glasgow Leeds Leicester Liverpool London Manchester Oxford St Albans

Overseas: Alicante Luxembourg Hong Kong Ottawa Toronto

FAO Daniel A. Scola, Jr
Hoffmann & Baron, LLP
1055 Parsippany Boulevard
Parsippany, NJ 07054 USA

Our Ref: W072513PUS

09 June 2005

DUE DATE: 20 JUNE 2005

Dear Sirs

Please proceed with Chapter I Phase Processing in USA
of PCT Application No. GB2003/005459 filed 15 December 2003
with the information given below: -

Term: **Maximum**

APPLICANT	Cadbury Confectionery Ltd of 494 Rosebank Road, Avondale, Auckland, New Zealand
INVENTORS	ROSS , Darryn of 9 Klondyke Drive, Christchurch, New Zealand
Nationality	New Zealand
	STUART , Rod of 168 Cumnor Terrace, Christchurch, New Zealand
Nationality	New Zealand
	BISSETT , Andrew of 18b/125 The Strand, Parnell, Auckland, New Zealand
Nationality	New Zealand

TITLE	CHILLER UNIT					
DOCUMENTS	Sent	To Follow	PRIORITY			
Copy of PCT specification as filed and published	x		Date	Country	No	
Copy of PCT Request Form	x		20 December 2002	NZ	523377	
Copy of PCT International Search Report	x					
Citations	x					
Assignment		x				
Declaration		x				
Amended Claims	x					

REMARK We shall not require you to pay continuance fees as they will be paid by Computer Patent Annuities, CPA House, Seaton Place, St Helier, Jersey.

Please send us:

Two copies of the specification and filing receipt.

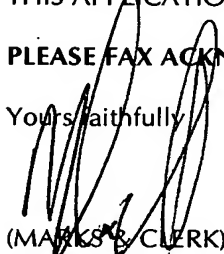
Debit note in duplicate made out and sent to Marks & Clerk, Birmingham quoting the above mentioned reference.

Please order two copies of any domestic citations and forward one copy to us.

THIS APPLICATION MUST NOT BE ALLOWED TO LAPSE WITHOUT OUR SPECIFIC INSTRUCTIONS.

PLEASE FAX ACKNOWLEDGEMENT UPON RECEIPT.

Yours faithfully



(MARKS & CLERK)
David I. Ward



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/539,958

FIRST NAMED APPLICANT

Darryn Ross

ATTY. DOCKET NO.

1421-91 PCT/US

INTERNATIONAL APPLICATION NO.

PCT/GB03/05459

I.A. FILING DATE

12/15/2003

PRIORITY DATE

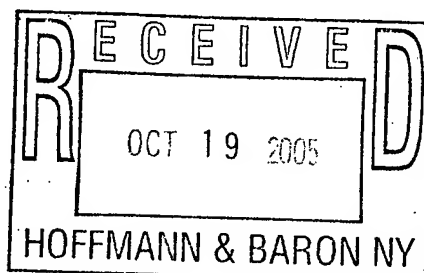
12/20/2002

CONFIRMATION NO. 6819

371 FORMALITIES LETTER



OC000000017259787



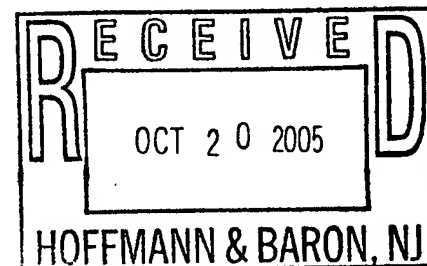
HOFFMANN & BARON, LLP
 6900 JERICHO TURNPIKE
 SYOSSET, NY 11791

Date Mailed: 10/17/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/17/2005
- Copy of the International Search Report filed on 06/17/2005
- Preliminary Amendments filed on 06/17/2005
- Information Disclosure Statements filed on 06/17/2005
- Request for Immediate Examination filed on 06/17/2005
- U.S. Basic National Fees filed on 06/17/2005
- Priority Documents filed on 06/17/2005
- Power of Attorney filed on 06/17/2005
- Specification filed on 06/17/2005
- Claims filed on 06/17/2005
- Abstracts filed on 06/17/2005
- Drawings filed on 06/17/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$120 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

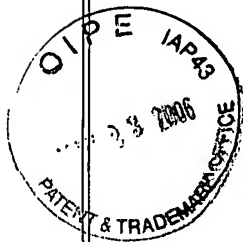
*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,958	PCT/GB03/05459	1421-91 PCT/US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ross et al.	Examiner:	Unassigned
Application No.:	10/539,958	Group Art Unit:	Unassigned
Confirmation No.:	6819	Attorney Docket No.:	1421-91 PCT/US
Filing Date:	June 17, 2005		
International Applic. No.:	PCT/GB03/05459	International Filing Date:	December 15, 2003
Title:	CHILLER UNIT	Dated:	May 17, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION BY GORDON F. BELCHER

Sir:

I, Gordon F. Belcher, hereby declare that:

1. I am registered to practice before the U.S. Patent and Trademark Office.
2. I am employed by the law firm of Hoffmann & Baron, LLP. Pursuant to this employment, I have provided services related to the above-identified application.

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
Page 2

3. On November 2, 2005, a letter was sent by Hoffmann & Baron, LLP to Marks & Clerk regarding the Notification of Missing Requirements for the above-identified application. Copies of the letter and the Combined Declaration and Power of Attorney, and Assignment identified as enclosures in the letter are attached hereto as Exhibit A. Other enclosures identified in the letter are not attached hereto. Included in Exhibit A is a copy of a Transmission Result Report which indicates that the letter was transmitted by facsimile.

4. On March 23, 2006, I sent an email to Ms. Colleen Kramer of Cadbury regarding the Notification of Missing Requirements for the above-identified application. Copies of this email and the attachments identified therein are attached hereto as Exhibit B.

5. On April 5, 2006, I received an email from Ms. Kramer indicating that she was not able to locate the inventors. A copy of this email is attached hereto as Exhibit C.

6. On April 10, 2006, letters were sent by the office of Hoffmann & Baron, LLP to Messrs. Darryn Ross, Rod Stuart, and Andrew Bissett who I understand to be the inventors of the above-identified application. Copies of these letters and the Combined Declaration and Power of Attorney, and Assignment identified as enclosures in the letters are attached hereto as Exhibit D (Mr. Ross), Exhibit E (Mr. Stuart), and Exhibit F (Mr. Bissett). Other enclosures identified in the letters are not attached hereto. Copies of documents related to the shipping of the letters of

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
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Exhibits D, E, and F are attached hereto with the corresponding letter in Exhibits D, E, and F.

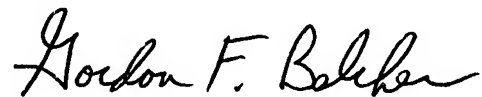
Copies of documents containing tracking information which appears to indicate that the letters of Exhibits D, E, and F were delivered are attached hereto with the corresponding letter in Exhibits D, E, and F.

7. I received an email from Mr. Stuart dated April 30, 2006. A copy of this email is attached hereto as Exhibit G. The email of Exhibit G indicates that the letter of Exhibit E was not received.

8. I have not received either the Combined Declaration and Power of Attorney, or the Assignment executed by any of Messrs. Ross, Stuart, and Bissett.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 17, 2006



Gordon F. Belcher
Reg. No. 33,156

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
Page 4

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

HOFFMANN & BARON, LLP

ATTORNEYS AT LAW

1055 PARSIPPANY BLVD.
PARSIPPANY, NEW JERSEY 07054-1272

(973) 331-1700

FACSIMILE (973) 331-1717

www.hoffmannbaron.com

CHARLES R. HOFFMANN*
RONALD J. BARON*
DANIEL A. SCOLA, JR.
A. THOMAS KAMMER*
SALVATORE J. ABBRUZZESE

ALAN M. SACK
IRVING N. FEIT
R. GLENN SCHROEDER*
GLENN T. HENNEBERGER*

ANTHONY E. BENNETT† LUDOMIR A. BUDZYN†

STEVEN T. ZUSCHLAG*
SUSAN A. SIPOS
KEVIN E. MCDERMOTT*
RODERICK S.W. TURNER*
ROBERT C. MORRIS*
JOHN S. SOPKO
CHRISTINA L. WARRICK
ANNA-LISA GALLO
LAUREN T. EMR*

JAMES F. HARRINGTON*
STEPHEN CANNAVALE
JAMIE M. LARMANN
GORDON F. BELCHER*
ANDREA M. WILKOVICH*
BETSY K. DOWD*
JOHN X. HABERMAN*
BARTHOLOMEW J. DIVITA*

PATENT AGENTS

GLORIA K. SZAKIEL, Ph.D. EDNA I. GERGEL, Ph.D.
ROHINI K. GARG EDMUND GUTIERREZ, Ph.D.

NEW YORK OFFICE
6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791-4407
(516) 822-3550
FAX (516) 822-3582

SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ
† SENIOR ATTORNEY

November 2, 2005

Via Facsimile and Air Mail

Mr. David I. Ward
Marks & Clerk
Alpha Tower
Suffold Street Queensway
Birmingham B1 1TT
United Kingdom

Re: U.S. National Phase Patent Application No. 10/539,958
"Chiller Unit"
PCT Application No. GB2003/005459 filed 15 December 2003
Your Reference No.: WO72513PUS
Our Reference No.: 1421-91 PCT/US

Dear Mr. Ward:

Thank you for your letter of September 9, 2005 inquiring about the filing receipt for the above-referenced application. We have not received the filing receipt from the United States Patent and Trademark Office (USPTO). We expect to receive it shortly.


We have received a notification issued by the USPTO for the above-referenced application, a copy of which is enclosed. The notification requires us to file formal papers for the application with the USPTO by **December 17, 2005**. Enclosed are the formal papers ("Combined Declaration and Power of Attorney" and "Assignment") prepared for the inventors' signatures. Please have the inventors review and execute the formal papers. The formal papers are directed to the patent application (published PCT Application and Preliminary Amendment), as filed in the USPTO, copies of which are enclosed.

Please note that the inventors may sign separate copies of the formal papers. Also, it is preferable for the Assignment to be notarized, though such notarization is not required. Please return to us the signed formal papers. You may return to us copies of the formal papers via facsimile for submission to the USPTO, although we recommend that you also return to us the copies of the formal papers with the original signatures for our file.

Mr. David I. Ward
Marks & Clerk
November 2, 2005
Page 2

If there are any questions or comments, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Gordon F. Belcher". The signature is written in black ink and is positioned above the printed name.

Gordon F. Belcher

GFB/krt
Enclosures.

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one)

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> National Stage PCT |
| <input type="checkbox"/> Supplemental | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Design | <input type="checkbox"/> Continuation |
| | <input type="checkbox"/> Continuation-in-Part (CIP) |

INVENTORSHIP IDENTIFICATION

NOTE: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHILLER UNIT

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on June 17, 2005 as
☒ Serial No. 10/539,958 or
☐ Express Mail No. _____, as Serial No. not yet known
and was amended on _____. (If applicable)
- (c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____. (If any)

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119	
New Zealand	PCT/GB03/005459	15/12/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
New Zealand	NZ 523377	20/12/2002	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(List prior U.S. provisional applications.)

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)

U.S. APPLICATIONS

STATUS *(Check One)*

U.S. SERIAL NO.	U.S. FILING DATE (Day/Month/Year)	Patented	Pending	Abandoned
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCT APPLICATIONS DESIGNATING THE U.S.

STATUS *(Check One)*

PCT APPLN. NO.	PCT FILING DATE (Day/Month/Year)	U.S. SERIAL NOS ASSIGNED (If any)	Patented	Pending	Abandoned
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE (Day/Month/Year)	ISSUE DATE (Day/Month/Year)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) at Customer Number **23869** to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

PLEASE SEND CORRESPONDENCE TO:

Daniel A. Scola, Jr., Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Gordon F. Belcher, Esq.
(973) 331-1700

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full Name of First Inventor:	Darryn Ross
Country of Citizenship:	New Zealand
Residence Address:	9 Klondyke Drive, Christchurch, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature
Full Name of Second Joint Inventor:	Rod Stuart
Country of Citizenship:	New Zealand
Residence Address:	168 Cumnor Terrace, Christchurch, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature
Full Name of Third Joint Inventor:	Andrew Blissett
Country of Citizenship:	New Zealand
Residence Address:	18b/125 The Strand, Parnell, Auckland, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature

NOTE: All above spaces identifying inventors must be completed or deleted before any inventor executes this application

Attorney's Docket No.: 1421-91 PCT/US

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application;
☐ U.S. Provisional Application;
☐ U.S. Patent; or
☐ PCT Application
By: ☒ Inventors or ☐ Present

Owners

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: (inventor(s) or person(s) or entity(ies) who own the invention)

Darryn Ross

Name

9 Klondyke Drive

Address

Christchurch, New Zealand

New Zealand

Nationality

Rod Stuart

Name

168 Cumnor Terrace

Address

Christchurch, New Zealand

New Zealand

Nationality

Andrew Bissett

Name

18b/125 The Strand

Address

Parnell, Auckland, New Zealand

New Zealand

Nationality

Attorney's Docket No.: 1421-91 PCT/US

PATENT

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____
Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

Cadbury Adams USA LLC
(Type or print name of ASSIGNEE)

400 Interpace Parkway
Address

Parsippany, NJ 07054

US
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE,

(complete one of the following)

- ☒ the entire right, title and interest
☐ an undivided _____ percent (____ %) interest

for the United States and its territorial possessions

☒ and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

CHILLER UNIT

and which is found in

(check and complete (a), (b), (c), (d), (e), (f), or (g))

- (a) ☐ U.S. national stage application of International Application No. _____
executed on even date herewith
☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR
signing below, hereby authorize and request my attorney to insert below the filing date
and application number when they become known
- (b) ☐ U.S. patent application executed on _____

- (c) ☐ U.S. application naming the above inventor(s) for the above-identified invention.
☐ Express Mail label No.: _____, mailed:
(d) ☒ U.S. application Serial No. 10/539,958 filed on June 17, 2005
(e) ☐ International application No. PCT/_____/_____
(f) ☐ U.S. Patent No. _____ issued _____
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
(g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to Letters Patent any re-issue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Date: <u>X</u> Date of signing	<u>X</u> Darryn Ross
Date: <u>X</u> Date of signing	<u>X</u> Rod Stuart
Date: <u>X</u> Date of signing	<u>X</u> Andrew Bissett

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

Attorney's Docket No.: 1421-91 PCT/US

PATENT

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Darryn Ross** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Rod Stuart** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Andrew Bissett** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

Job #: 074
Docket #: 1421-91 PCT/US

DATE: November 2, 2005

FACSIMILE TRANSMISSION COVER SHEET

**TO: Mr. David Ward
Marks & Clerk**

**FAX NO: 011-44-0-121-634-2342
011-44-0-121-606-4766**

FROM: Gordon F. Belcher

SENDER: Kim Tillman

☐ **HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791
516-822-3550
516-822-3582**

☒ **HOFFMANN & BARON, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054
973-331-1700
973-331-1717**

TOTAL NUMBER OF PAGES (Including Cover): 13

**Re: U.S. National Phase Patent Application No. 10/539,958
"Chiller Unit"
PCT Application No. GB2003/005459 filed 15 December 2003
Your Reference No.: WO72513PUS
Our Reference No.: 1421-91 PCT/US**

CONFIDENTIALITY NOTICE

The document(s) contained in this transmission is(are) confidential and/or legally privileged information of the law firm of Hoffmann & Baron, LLP. This information is intended for use by the individual or entity named on this transmission cover sheet.

If you are not the intended recipient, please be advised that any disclosure, copying, distribution or action taken in reliance on the contents of this information is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for its return.

If there are any problems with this fax, please call the office location marked above. Thank you for your cooperation.

* * * TRANSMISSION RESULT REPORT (IMMEDIATE TX) (NOV. 2. 2005 5:38PM) * * *

TTI HOFFMAN-BARON

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERSONAL NAME	FILE
NOV. 2.	5:35PM		G3ES	2'49"	P. 13	OK		5450

: BATCH
M : MEMORY TX
S : STANDARD
!\$: REMOTE TRANSFER
+ : ROUTING

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL
B : FAX ON DEMAND

\$: TRANSFER
@ : FORWARDING
F : FINE
* : PC

P : POLLING
E : ECM
> : REDUCTION
% : PC DIRECT

Belcher, Gordon F.

From: Belcher, Gordon F.
Sent: Thursday, March 23, 2006 4:14 PM
To: 'colleen.kramer@cs-americas.com'
Cc: Scola, Daniel
Subject: U.S. Patent Application No. 10/539,958 "Chiller Unit" (Your ref.: W072513PUS, Our ref.: 1421-91 PCT/US)



Colleen,

Thank you for discussing the above-referenced application with me today. As you requested, copies of the Declaration and Assignment for the application are attached hereto.

As we discussed, we have received a Notification of Missing Requirements for the above-referenced application from the USPTO. The original due date for responding thereto (i.e., submitting the Declaration) was December 17, 2005. If we file the Declaration with the USPTO by **April 17, 2006**, we will be required to include the fee for an extension of time of four months. The **final** date by which the Declaration is required to be filed with the USPTO is **May 17, 2006**.

The above-referenced application is the U.S. national phase application of International (PCT) Publication No. WO 2004/056242.

If you have any questions or comments, please let us know.

Gordon



declaration.6-14-05
.doc (95 KB...



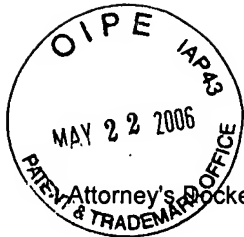
assignment.6-14-05
.doc (76 KB)...

Gordon F. Belcher, Esq.
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054

Tel: (973) 331-1700
Fax: (973) 331-1717
E-Mail: gbelcher@hoffmannbaron.com

PRIVILEGED ATTORNEY/CLIENT INFORMATION

This message contains attorney/client privileged communications and confidential business information that is intended for use only by the individual or company to whom it is addressed. Disclosure, interception, copying or any other use of this message by anyone other than the intended recipient, or the employee or agent of the intended recipient, is strictly prohibited and may be a violation of Federal and State law. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank you.



PATENT

Attorney's Pocket No. 1421-91 PCT/US

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one)*

- ☐ Original
☐ Supplemental
☐ Design

- ☒ National Stage PCT
☐ Divisional
☐ Continuation
☐ Continuation-in-Part (CIP)

INVENTORSHIP IDENTIFICATION

NOTE: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHILLER UNIT

the specification of which: *(complete (a), (b) or (c))*

(a) ☐ is attached hereto.

(b) ☐ was filed on _____ as

☐ Serial No. _____ or

☐ Express Mail No. _____, as Serial No. not yet known
and was amended on _____. *(If applicable)*

(c) ☒ was described and claimed in PCT International Application No. PCT/GB2003/005459
filed on 15/DEC/2003 and as amended under PCT Article 19 on _____. *(If any)*

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (orPCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(List prior U.S. provisional applications.)

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)

U.S. APPLICATIONS

STATUS (Check One)

U.S. SERIAL NO.	U.S. FILING DATE (Day/Month/Year)	Patented	Pending	Abandoned
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCT APPLICATIONS DESIGNATING THE U.S.

STATUS (Check One)

PCT APPLN. NO.	PCT FILING DATE (Day/Month/Year)	U.S. SERIAL NOS ASSIGNED (If any)	Patented	Pending	Abandoned
PCT/GB2003/005459	15/DEC/2003		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE (Day/Month/Year)	ISSUE DATE (Day/Month/Year)
523377	New Zealand	20/DEC/2002	

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) at Customer Number **23869** to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

PLEASE SEND CORRESPONDENCE TO:

Daniel A. Scola, Jr., Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Gordon F. Belcher, Esq.
(973) 331-1700

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full Name of First Inventor:	Darryn Ross
Country of Citizenship:	New Zealand
Residence Address:	9 Klondyke Drive, Christchurch, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature
Full Name of Second Joint Inventor:	Rod Stuart
Country of Citizenship:	New Zealand
Residence Address:	168 Cumnor Terrace, Christchurch, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature
Full Name of Third Joint Inventor:	Andrew Bissett
Country of Citizenship:	New Zealand
Residence Address:	18b/125 The Strand, Parnell, Auckland, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature

NOTE: All above spaces identifying inventors must be completed or deleted before any inventor executes this application

Attorney's Docket No.: 1421-91 PCT/US

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application;
☐ U.S. Provisional Application;
☐ U.S. Patent; or
☐ PCT Application
By: ☒ Inventors or ☐ Present Owners

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: (inventor(s) or person(s) or entity(ies) who own the invention)

Darryn Ross

Name

Rod Stuart

Name

9 Klondyke Drive

Address

168 Cumnor Terrace

Address

Christchurch, New Zealand

Christchurch, New Zealand

New Zealand

Nationality

New Zealand

Nationality

Andrew Bissett

Name

18b/125 The Strand

Address

Parnell, Auckland, New Zealand

New Zealand

Nationality

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

Cadbury Adams USA LLC
(Type or print name of ASSIGNEE)

400 Interpace Parkway
Address

Parsippany, NJ 07054

US
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE,

(complete one of the following)

- ☒ the entire right, title and interest
☐ an undivided _____ percent (_____%) interest

for the United States and its territorial possessions

☒ and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

CHILLER UNIT

and which is found in

(check and complete (a), (b), (c), (d), (e), (f), or (g))

- (a) ☒ U.S. national stage application of International Application No. PCT/GB2003/005459 executed on even date herewith
☒ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known
- (b) ☐ U.S. patent application executed on _____
- (c) ☐ U.S. application naming the above inventor(s) for the above-identified invention.
☐ Express Mail label No.: _____, mailed:
- (d) ☒ U.S. application Serial No. _____ filed on _____
- (e) ☐ International application No. PCT/_____/_____
- (f) ☐ U.S. Patent No. _____ issued _____
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to Letters Patent any re-issue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Date: <u> X </u> Date of signing	<u> X </u> Darryn Ross
Date: <u> X </u> Date of signing	<u> X </u> Rod Stuart
Date: <u> X </u> Date of signing	<u> X </u> Andrew Bissett

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Darryn Ross** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Rod Stuart** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2005, before me personally appeared **Andrew Bissett** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

Belcher, Gordon F.

From: colleen.kramer@cs-americas.com
Sent: Wednesday, April 05, 2006 6:33 PM
To: Belcher, Gordon F.
Cc: Scola, Daniel
Subject: Re: U.S. Patent Application No. 10/539,958 "Chiller Unit" (Your ref.: W072513PUS, Our ref.: 1421-91 PCT/US)

Hi Gordon,

I am struggling to find these inventors. They aren't listed in any of the Cadbury directories and I'm not getting anywhere trying to locate them through our Asian region representatives. Can you try to reach them directly using the residence addresses you have?

Regards,
Colleen

"Belcher, Gordon F."

<Gbelcher@hoffmannbaron.com>

03/23/2006 04:13 PM

To: <colleen.kramer@cs-americas.com>

cc: "Scola, Daniel" <dscola@hoffmannbaron.com>

Subject: U.S. Patent Application No. 10/539,958 "Chiller Unit" (Your ref.: W072513PUS, Our ref.: 1421-91 PCT/US)

Colleen,

Thank you for discussing the above-referenced application with me today. As you requested, copies of the Declaration and Assignment for the application are attached hereto.

As we discussed, we have received a Notification of Missing Requirements for the above-referenced application from the USPTO. The original due date for responding thereto (i.e., submitting the Declaration) was December 17, 2005. If we file the Declaration with the USPTO by **April 17, 2006**, we will be required to include the fee for an extension of time of four months. The **final** date by which the Declaration is required to be filed with the USPTO is **May 17, 2006**.

The above-referenced application is the U.S. national phase application of International (PCT) Publication No. WO 2004/056242.

If you have any questions or comments, please let us know.

Gordon

<<declaration.6-14-05.doc>>
<<assignment.6-14-05.doc>>

04/06/2006

Gordon F. Belcher, Esq.
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054

Tel: (973) 331-1700
Fax: (973) 331-1717
E-Mail: gbelcher@hoffmannbaron.com

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04/06/2006

HOFFMANN & BARON, LLP

ATTORNEYS AT LAW

1055 PARSIPPANY BLVD.

PARSIPPANY, NEW JERSEY 07054-1272

(973) 331-1700

FACSIMILE (973) 331-1717

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CHARLES R. HOFFMANN*
RONALD J. BARON*
DANIEL A. SCOLA, JR.
A. THOMAS KAMMER*
SALVATORE J. ABBRUZZESE
ALAN M. SACK

IRVING N. FEIT
R. GLENN SCHROEDER*
GLENN T. HENNEBERGER*
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ANDREA M. WILKOVICH*
BETSY K. DOWD*
JOHN X. HABERMAN*
BARTHOLOMEW J. DIVITA
TONY A. GAYOSO*

PATENT AGENTS

GLORIA K. SZAKIEL, Ph.D.

EDNA I. GERGEL, Ph.D.

NEW YORK OFFICE
6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791-4407
(516) 822-3550
FAX (516) 822-3582

SCIENTIFIC ADVISOR

DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ

April 10, 2006

VIA FEDERAL EXPRESS

Mr. Darryn Ross
9 Klondyke Drive
Christchurch, New Zealand 8004

Re: U.S. National Phase Patent Application No. 10/539,958
"Chiller Unit"
PCT Application No. GB2003/005459 filed 15 December 2003
Our Reference No.: 1421-91 PCT/US

Dear Mr. Ross:

We represent Cadbury Schweppes regarding the above-referenced application. Cadbury has asked us to contact you regarding the above-referenced application.

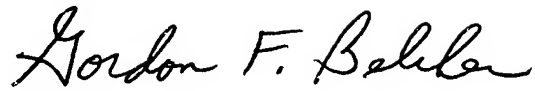
Enclosed herewith are the formal papers ("Combined Declaration and Power of Attorney" and "Assignment of Invention") for the above-referenced application for your review and signature. The formal papers are directed to the patent application (published PCT Application and Preliminary Amendment), as filed in the USPTO, copies of which are enclosed herewith. Please sign and date these documents where indicated.

Please return to us the signed formal papers as soon as possible. You may return to us copies of the formal papers via facsimile, although we request that you also return to us the copies of the formal papers with the original signatures. A self-addressed return Federal Express envelope is enclosed for your convenience.

April 10, 2006
Page 2

If there are any questions or comments, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Gordon F. Belcher". The signature is written in dark ink and is positioned above the printed name.

Gordon F. Belcher

GFB/mf
Enclosures

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one)*

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> National Stage PCT |
| <input type="checkbox"/> Supplemental | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Design | <input type="checkbox"/> Continuation |
| | <input type="checkbox"/> Continuation-in-Part (CIP) |

INVENTORSHIP IDENTIFICATION

NOTE: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHILLER UNIT

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on June 17, 2005 as
☒ Serial No. 10/539,958 or
☐ Express Mail No. _____, as Serial No. not yet known
and was amended on _____. *(If applicable)*
- (c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____. *(If any)*

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119	
New Zealand	PCT/GB03/005459	15/12/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
New Zealand	NZ 523377	20/12/2002	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(List prior U.S. provisional applications.)

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)

U.S. APPLICATIONS

STATUS (Check One)

U.S. SERIAL NO.	U.S. FILING DATE (Day/Month/Year)	Patented	Pending	Abandoned
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCT APPLICATIONS DESIGNATING THE U.S.

STATUS (Check One)

PCT APPLN. NO.	PCT FILING DATE (Day/Month/Year)	U.S. SERIAL NOS ASSIGNED (If any)	Patented	Pending	Abandoned
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE (Day/Month/Year)	ISSUE DATE (Day/Month/Year)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) at Customer Number 23869 to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

PLEASE SEND CORRESPONDENCE TO:

Daniel A. Scola, Jr., Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Gordon F. Belcher, Esq.

(973) 331-1700

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full Name of First Inventor:	Darryn Ross
Country of Citizenship:	New Zealand
Residence Address:	9 Klondyke Drive, Christchurch, New Zealand
Post Office Address:	Same as above
Date:	Inventor's signature

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application;
☐ U.S. Provisional Application;
☐ U.S. Patent; or
☐ PCT Application
By: ☒ Inventors or ☐ Present Owners

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: (inventor(s) or person(s) or entity(ies) who own the invention)

Darryn Ross

Name

Rod Stuart

Name

9 Klondyke Drive

Address

168 Cumnor Terrace

Address

Christchurch, New Zealand

Christchurch, New Zealand

New Zealand

Nationality

New Zealand

Nationality

Andrew Bissett

Name

18b/125 The Strand

Address

Parnell, Auckland, New Zealand

New Zealand

Nationality

Attorney's Docket No.: 1421-91 PCT/US

PATENT

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____
Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

Cadbury Adams USA LLC

(Type or print name of ASSIGNEE)

400 Interpace Parkway

Address

Parsippany, NJ 07054

US

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE,

(complete one of the following)



the entire right, title and interest



an undivided _____ percent (____%) interest

for the United States and its territorial possessions



and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

CHILLER UNIT

and which is found in

(check and complete (a), (b), (c), (d), (e), (f), or (g))

(a) ☐ U.S. national stage application of International Application No. _____
executed on even date herewith

☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR
signing below, hereby authorize and request my attorney to insert below the filing date
and application number when they become known

(b) ☐ U.S. patent application executed on _____

- (c) ☐ U.S. application naming the above inventor(s) for the above-identified invention.
☐ Express Mail label No.: _____, mailed:
(d) ☒ U.S. application Serial No. 10/539,958 filed on June 17, 2005
(e) ☐ International application No. PCT/_____/_____
(f) ☐ U.S. Patent No. _____ issued _____
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
(g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to Letters Patent any re-issue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Date: <u> X </u>	<u> X </u>
Date of signing	Darryn Ross
_____	_____
_____	_____

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

Attorney's Docket No.: 1421-91 PCT/US

PATENT

STATE OF

SS

COUNTY OF

On this ____ day of _____, 2006 before me personally appeared **Darryn Ross** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

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Sender's Name Darryn Ross Phone
Company
Address 9 Klondyke Drive
Address

City Christchurch State Province
Country New Zealand ZIP Postal Code 8004

2 To

Recipient's Name Gordon F. Belcher Phone 973-331-1700
Company Hossmann & Baron, LLP
Address 1055 Parsippany Blvd.
Address

City Parsippany State Province N.J.
Country USA ZIP Postal Code 07054-1272

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Shipper's Load and
Count/SLAC

Total Weight lbs. kg DIM L / W / H in. cm

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COMPLETE IN ENGLISH.			

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 Daniel A. Scola, Jr
 HOFFMANN & BARON, LLP
 1055 PARSIPPANY BLVD
 SUITE 410
 PARSIPPANY, NJ 07054
 UNITED STATES



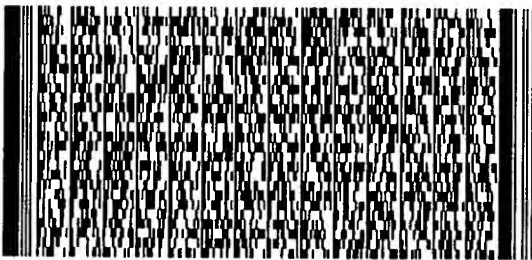
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 Mr. Darryn Ross

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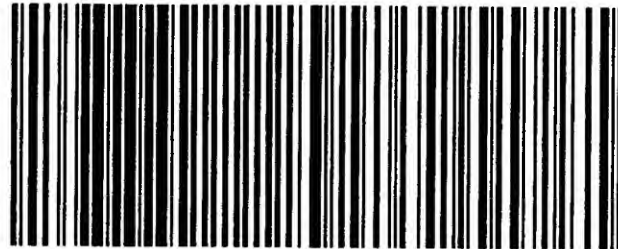
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REF: 1421-91 PCT/US (0287)
 DESC-1: Legal documents
 DESC-2:
 DESC-3:
 DESC-4:
 EEI: NO EEI 30.37(a)
 COUNTRY MFG: US
 CARRIAGE VALUE: 0.00 USD
 CUSTOMS VALUE: 2.00 USD
 T/C: S 116682320 D/T: S 116682320
 SIGN: Daniel A. Scola, Jr
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Delivery date	Apr 13, 2006 9:47 AM	Service type	Priority Envelope
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TONY A. GAYOSO*

PATENT AGENTS

GLORIA K. SZAKIEL, Ph.D. EDNA I. GERGEL, Ph.D.

NEW YORK OFFICE
6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791-4407
(516) 822-3550
FAX (516) 822-3552

SCIENTIFIC ADVISOR

DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ

April 10, 2006

VIA FEDERAL EXPRESS

Mr. Rod Stuart
168 Cumnor Terrace
Christchurch, New Zealand 8002

Re: U.S. National Phase Patent Application No. 10/539,958
"Chiller Unit"
PCT Application No. GB2003/005459 filed 15 December 2003
Our Reference No.: 1421-91 PCT/US

Dear Mr. Stuart:

We represent Cadbury Schweppes regarding the above-referenced application. Cadbury has asked us to contact you regarding the above-referenced application.

Enclosed herewith are the formal papers ("Combined Declaration and Power of Attorney" and "Assignment of Invention") for the above-referenced application for your review and signature. The formal papers are directed to the patent application (published PCT Application and Preliminary Amendment), as filed in the USPTO, copies of which are enclosed herewith. Please sign and date these documents where indicated.

Please return to us the signed formal papers as soon as possible. You may return to us copies of the formal papers via facsimile, although we request that you also return to us the copies of the formal papers with the original signatures. A self-addressed return Federal Express envelope is enclosed for your convenience.

April 10, 2006
Page 2

If there are any questions or comments, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Gordon F. Belcher".

Gordon F. Belcher

GFB/mf
Enclosures

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one)*

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INVENTORSHIP IDENTIFICATION

NOTE: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on **June 17, 2005** as
☒ Serial No. **10/539,958** or
☐ Express Mail No. _____, as Serial No. not yet known
and was amended on _____. *(If applicable)*
- (c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____. *(If any)*

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119	
New Zealand	PCT/GB03/005459	15/12/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
New Zealand	NZ 523377	20/12/2002	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(List prior U.S. provisional applications.)

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)

U.S. APPLICATIONS

STATUS (Check One)

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0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE (Day/Month/Year)	ISSUE DATE (Day/Month/Year)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) at Customer Number 23869 to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

PLEASE SEND CORRESPONDENCE TO:

Daniel A. Scola, Jr., Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Gordon F. Belcher, Esq.
(973) 331-1700

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full Name of First Joint Inventor: **Rod Stuart**

Country of Citizenship: **New Zealand**

Residence Address: **168 Cumnor Terrace, Christchurch, New Zealand**

Post Office Address: **Same as above**

Date: _____ Inventor's
signature _____

For: ☒ U.S. and/or ☒ Foreign Rights
 For: ☒ U.S. Application;
☐ U.S. Provisional Application;
☐ U.S. Patent; or
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 By: ☒ Inventors or ☐ Present Owners

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: (inventor(s) or person(s) or entity(ies) who own the invention)

Darryn Ross
 Name

Rod Stuart
 Name

9 Klondyke Drive
 Address

168 Cumnor Terrace
 Address

Christchurch, New Zealand

Christchurch, New Zealand

New Zealand
 Nationality

New Zealand
 Nationality

Andrew Bissett
 Name

18b/125 The Strand
 Address

Parnell, Auckland, New Zealand

New Zealand
 Nationality

Attorney's Docket No.: 1421-91 PCT/US

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in and to any and all improvements which are disclosed in the invention entitled:

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and which is found in

(check and complete (a), (b), (c), (d), (e), (f), or (g))

- (a) ☐ U.S. national stage application of International Application No. _____
executed on even date herewith
☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR
signing below, hereby authorize and request my attorney to insert below the filing date
and application number when they become known
(b) ☐ U.S. patent application executed on _____

- (c) ☐ U.S. application naming the above inventor(s) for the above-identified invention.
☐ Express Mail label No.: _____, mailed:
(d) ☒ U.S. application Serial No. 10/539,958 filed on June 17, 2005
(e) ☐ International application No. PCT/_____/_____
(f) ☐ U.S. Patent No. _____ issued _____
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ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Date: X
 Date of signing

X
Rod Stuart

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

Attorney's Docket No.: 1421-91 PCT/US

PATENT

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On this ____ day of _____, 2006 before me personally appeared **Rod Stuart** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

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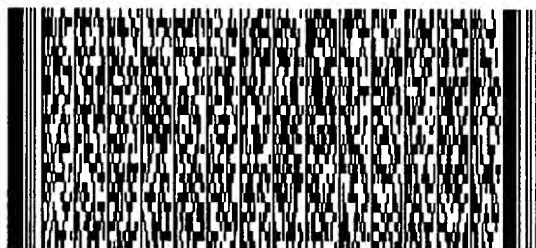
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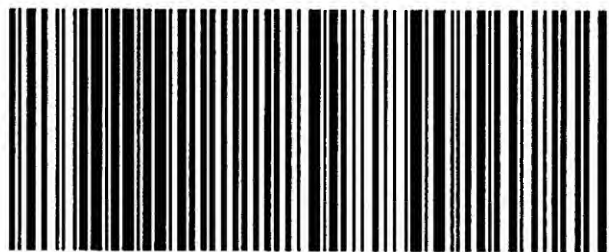
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Ship date	Apr 10, 2006	Delivered to	Receptionist/Front Desk
Delivery date	Apr 19, 2006 11:40 AM	Service type	Priority Envelope
		Weight	0.8 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Apr 19, 2006	11:40 AM Delivered	CHRISTCHURCH NZ	
	9:17 AM On FedEx vehicle for delivery	CHRISTCHURCH NZ	
Apr 18, 2006	1:15 PM At local FedEx facility	CHRISTCHURCH NZ	
	12:37 PM Delivery exception	CHRISTCHURCH NZ	Customer not available or business closed
	9:28 AM On FedEx vehicle for delivery	CHRISTCHURCH NZ	
Apr 13, 2006	3:23 PM Delivery exception	CHRISTCHURCH NZ	Customer not available or business closed
	1:36 PM On FedEx vehicle for delivery	CHRISTCHURCH NZ	
	1:29 PM At local FedEx facility	CHRISTCHURCH NZ	
	9:10 AM In transit	AUCKLAND NZ	
	5:42 AM Int'l shipment release	AUCKLAND NZ	
	4:12 AM At dest sort facility	AUCKLAND NZ	
Apr 11, 2006	10:37 AM In transit	HONOLULU, HI	
	2:54 AM Departed FedEx location	MEMPHIS, TN	
	12:31 AM Arrived at FedEx location	MEMPHIS, TN	
	12:30 AM Departed FedEx location	NEWARK, NJ	
Apr 10, 2006	10:12 PM Arrived at FedEx location	NEWARK, NJ	
	10:11 PM Left origin	EAST HANOVER, NJ	
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PATENT AGENTS

GLORIA K. SZAKIEL, Ph.D. EDNA I. GERGEL, Ph.D.

ATTORNEYS AT LAW

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SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NJ

April 10, 2006

VIA FEDERAL EXPRESS

Mr. Andrew Bissett
18b/125 The Strand
Parnell, Auckland, New Zealand 1001

Re: U.S. National Phase Patent Application No. 10/539,958
"Chiller Unit"
PCT Application No. GB2003/005459 filed 15 December 2003
Our Reference No.: 1421-91 PCT/US

Dear Mr. Bissett:

We represent Cadbury Schweppes regarding the above-referenced application. Cadbury has asked us to contact you regarding the above-referenced application.

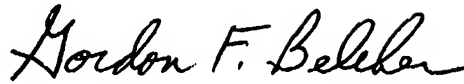
Enclosed herewith are the formal papers ("Combined Declaration and Power of Attorney" and "Assignment of Invention") for the above-referenced application for your review and signature. The formal papers are directed to the patent application (published PCT Application and Preliminary Amendment), as filed in the USPTO, copies of which are enclosed herewith. Please sign and date these documents where indicated.

Please return to us the signed formal papers as soon as possible. You may return to us copies of the formal papers via facsimile, although we request that you also return to us the copies of the formal papers with the original signatures. A self-addressed return Federal Express envelope is enclosed for your convenience.

April 10, 2006
Page 2

If there are any questions or comments, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Gordon F. Belcher".

Gordon F. Belcher

GFB/mf
Enclosures

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one)*

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> National Stage PCT |
| <input type="checkbox"/> Supplemental | <input type="checkbox"/> Divisional |
| <input type="checkbox"/> Design | <input type="checkbox"/> Continuation |
| | <input type="checkbox"/> Continuation-in-Part (CIP) |

INVENTORSHIP IDENTIFICATION

NOTE: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on **June 17, 2005** as
☒ Serial No. **10/539,958** or
☐ Express Mail No. _____, as Serial No. not yet known
and was amended on _____. *(If applicable)*
- (c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____. *(If any)*

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119	
New Zealand	PCT/GB03/005459	15/12/2003	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
New Zealand	NZ 523377	20/12/2002	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(List prior U.S. provisional applications.)

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)

U.S. APPLICATIONS

STATUS *(Check One)*

U.S. SERIAL NO.	U.S. FILING DATE <i>(Day/Month/Year)</i>	Patented	Pending	Abandoned
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PCT APPLICATIONS DESIGNATING THE U.S.

STATUS *(Check One)*

PCT APPLN. NO.	PCT FILING DATE <i>(Day/Month/Year)</i>	U.S. SERIAL NOS ASSIGNED <i>(If any)</i>	Patented	Pending	Abandoned
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE <i>(Day/Month/Year)</i>	ISSUE DATE <i>(Day/Month/Year)</i>

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) at Customer Number **23869** to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

PLEASE SEND CORRESPONDENCE TO:

Daniel A. Scola, Jr., Esq.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Gordon F. Belcher, Esq.
(973) 331-1700

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full Name of First Inventor: **Andrew Bissett**

Country of Citizenship: **New Zealand**

Residence Address: **18b/125 The Strand, Parnell, Auckland**

Post Office Address: **Same as above**

Date: **Inventor's
signature**

For: ☒ U.S. and/or ☒ Foreign Rights
 For: ☒ U.S. Application;
☐ U.S. Provisional Application;
☐ U.S. Patent; or
☐ PCT Application
 By: ☒ Inventors or ☐ Present Owners

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS: (inventor(s) or person(s) or entity(ies) who own the invention)

Darryn Ross

Name

9 Klondyke Drive

Address

Christchurch, New Zealand

New Zealand

Nationality

Rod Stuart

Name

168 Cumnor Terrace

Address

Christchurch, New Zealand

New Zealand

Nationality

Andrew Bissett

Name

18b/125 The Strand

Address

Parnell, Auckland, New Zealand

New Zealand

Nationality

Attorney's Docket No.: 1421-91 PCT/US

PATENT

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

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for the United States and its territorial possessions

- ☒ and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

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and which is found in

(check and complete (a), (b), (c), (d), (e), (f), or (g))

- (a) ☐ U.S. national stage application of International Application No. _____
executed on even date herewith
☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR
signing below, hereby authorize and request my attorney to insert below the filing date
and application number when they become known
- (b) ☐ U.S. patent application executed on _____

- (c) ☐ U.S. application naming the above inventor(s) for the above-identified invention.
☐ Express Mail label No.: _____, mailed:
(d) ☒ U.S. application Serial No. 10/539,958 filed on June 17, 2005
(e) ☐ International application No. PCT/_____/_____
(f) ☐ U.S. Patent No. _____ issued _____
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.
(g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to Letters Patent any re-issue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Date: <u>X</u>	<u>X</u>
Date of signing	Andrew Bissett
_____	_____
_____	_____

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

Attorney's Docket No.: 1421-91 PCT/US

PATENT

STATE OF
SS
COUNTY OF

On this ____ day of _____, 2006 before me personally appeared **Andrew Bissett** to me personally known and known to me to be the person who signed the foregoing Assignment and acknowledged the signing of same as his/her free act and deed.

Notary Public

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 Country **New Zealand** ZIP Postal Code **1001**

2 To
 Recipient's Name **Gordon F. Belcher** Phone **973-331-7200**

Company **Hoffmann & Baron**

Address **1055 Parsippany Blvd.**

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DESC-4:

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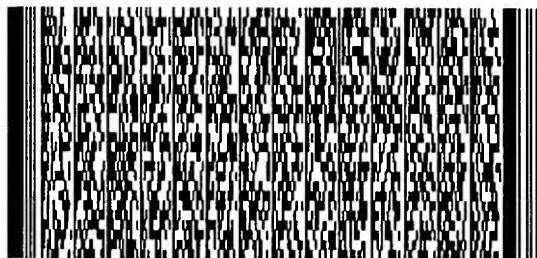
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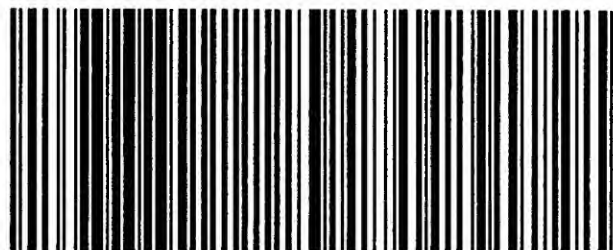
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		Weight	0.8 lbs.

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	4:12 AM	At dest sort facility	AUCKLAND NZ
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	10:11 PM	Left origin	EAST HANOVER, NJ
	7:09 PM	Picked up	EAST HANOVER, NJ
	8:20 AM	Package data transmitted to FedEx	

*Andrew
Biswas*

Signature proof	Email results	Track more shipments
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<input type="text"/>	English <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Belcher, Gordon F.

From: Rod Stuart [rod@tropicool.co.nz]
Sent: Sunday, April 30, 2006 6:35 PM
To: Belcher, Gordon F.
Subject: US Patent

Dear Marcy,
I have not received your package.
We did shift 1 1/2 years ago to the address below.
What address did you send it to?
Best regards
Rod Stuart

Cool it! with Tropicool
PO Box 1827
33 Buchan Street
Sydenham
Christchurch
New Zealand

Phone: +64-3-365 0406
Fax: +64-3-365 0407
email: info@tropicool.co.nz
website: www.tropicool.co.nz

05/15/2006

Mancuso, Marcy H.

From: Belcher, Gordon F.
Sent: Monday, May 01, 2006 3:38 PM
To: Mancuso, Marcy H.
Subject: FW: US Patent

Gordon F. Belcher, Esq.
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054

Tel: (973) 331-1700
Fax: (973) 331-1717
E-Mail: gbelcher@hoffmannbaron.com

PRIVILEGED ATTORNEY/CLIENT INFORMATION

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-----Original Message-----

From: Rod Stuart [mailto:rod@tropicool.co.nz]
Sent: Sunday, April 30, 2006 6:35 PM
To: Belcher, Gordon F.
Subject: US Patent

Dear Marcy,
I have not received your package.
We did shift 1 1/2 years ago to the address below.
What address did you send it to?
Best regards
Rod Stuart

Cool it! with Tropicool
PO Box 1827
33 Buchan Street
Sydenham
Christchurch

5/1/2006

New Zealand

Phone: +64-3-365 0406

Fax: +64-3-365 0407

email: info@tropicool.co.nz

website: www.tropicool.co.nz



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ross et al.	Examiner:	Unassigned
Application No.:	10/539,958	Group Art Unit:	Unassigned
Confirmation No.:	6819	Attorney	1421-91 PCT/US
Filing Date:	June 17, 2005	Docket No.:	
International	PCT/GB03/05459	International	December 15, 2003
Applic. No.:		Filing Date:	
Title:	CHILLER UNIT	Dated:	May 17, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION BY MARCY H. MANCUSO

Sir:

I, Marcy H. Mancuso, hereby declare that:

1. I am employed by the law firm of Hoffmann & Baron, LLP. Pursuant to this employment, I have provided services related to the above-identified application.
2. On or shortly before April 20, 2006, I located, using the internet, addresses and telephone numbers for Messrs. Darryn Ross, Rod Stuart, and Andrew Bissett. The addresses which I located are contained in an email which I sent to Mr. Gordon F. Belcher on April 20, 2006. A copy of the email is attached hereto as Exhibit A.

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
Page 2

3. On April 20, 2006, I attempted to contact by telephone Messrs. Ross, Stuart, and Bissett. The telephone numbers which I used for this attempt are contained in Exhibit A. I was unable to reach Mr. Ross. I was able to reach Mr. Stuart. Mr. Stuart provided an address which he said was his current address. I was able to leave a voicemail message for Mr. Bissett. (see Exhibit A.)

4. On April 21, 2006, I sent a letter to Mr. Ross regarding documents relating to the above-identified application which had been previously sent to him. A copy of the letter is attached hereto as Exhibit B. Included in Exhibit B is a copy of a Transmission Result Report which confirms that the letter was sent by facsimile.

5. On April 21, 2006, I sent an email to Mr. Bissett regarding documents relating to the above-identified application which had been previously sent to him. A copy of the email is attached hereto as Exhibit C.

6. On April 21, 2006, I sent a letter to Mr. Stuart regarding documents relating to the above-identified application which had been previously sent to him. A copy of the letter is attached hereto as Exhibit D. Included in Exhibit D is a copy of a Transmission Result Report which confirms that the letter was sent by facsimile.

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
Page 3

7. I understand that Mr. Gordon F. Belcher received an email from Mr. Stuart dated April 30, 2006 which was addressed to me. A copy of the email is attached hereto as Exhibit E. The email of Exhibit E indicates that Mr. Stuart had not received a package from Hoffmann & Baron, LLP. The email of Exhibit E contains an address which is the same as the address previously provided by Mr. Stuart (see Exhibit A).

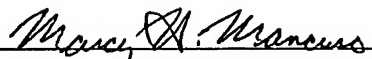
8. On May 3, 2006, I sent an email to Mr. Stuart regarding the documents relating to the above-identified application which had been previously sent to him. A copy of the e-mail is attached hereto as Exhibit F.

9. Pursuant to the email of Exhibit F, I sent to Mr. Stuart the documents relating to the above-identified application which had been previously sent to him. These documents were sent to the address contained in Exhibit A ("new street address") and Exhibit E. A copy of a document related to this sending of the documents is attached hereto as Exhibit G. Included in Exhibit G is a copy of a document containing tracking information which indicates that the documents were delivered.

Applicants: Ross et al.
Application No.: 10/539,958
Filing Date: June 17, 2005
Page 4

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 17, 2006



Marcy H. Mancuso

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

Mancuso, Marcy H.

From: Mancuso, Marcy H.
Sent: Thursday, April 20, 2006 10:08 AM
To: Belcher, Gordon F.
Cc: 'colleen.kramer@cs-americas.com'
Subject: Inventor information found for 1421-91 PCT/US (Client ref: WO72513PUS)

RE: U.S. Patent Application No. 10/539,958
CHILLER UNIT
Client Ref: WO72513PUS
Our Ref: 1421-91 PCT/US

Mr. Belcher,

As you know, I managed to find contact information yesterday for the 3 inventors in this case. This is what I found for each inventor:

Darryn Ross

Listed as a corporate manufacturer for Airform International Ltd. in the web site www.plastics.org.nz/trade-corporate-manufacturers.asp
9 Klondyke Drive
Hornby
Christchurch, New Zealand
Phone: +64 3 344-0640
Fax: +64 3 344-0641

Andrew Bissett

Listed in the Directory of Members of the Designers Institute of New Zealand (as director of the company Formworks Product Design Ltd.), website www.dinz.org.nz/main/directory/profile/andrew_005.html
P.O. Box 37671
Parnell
Auckland, New Zealand
Phone: +64 9 358-0026
Fax: +64 9 358-0027
Email: andrew@formworks.co.nz

Rod Stuart

Listed in the Worldwide section of the website for Kryotherm, www.kryotherm.ru/ww.html
Under the header of New Zealand and Tropicool, his information is listed as:
P.O. Box 1827 (sounds like this is still valid)
168 Cumnor Terrace (old address)
Christchurch, New Zealand
Phone: +64 3 381-2066
Fax: +64 3 381-2067
Email: info@tropicool.co.nz

Note that his new street address is 33 Buchan Street, Christchurch, New Zealand

I attempted to call them this morning, although I knew I wouldn't have much luck, considering the great time difference between here and New Zealand. The phone just rang for Darryn Ross, I was able to leave a phone message for Andrew Bissett, and I spoke in person with Rod Stuart. He said that the address listed in our records and on the internet is out of date, and gave me his new residential address. He has not seen the package that was sent to his older address.

I would propose resending the documents to Rod Stuart at his new address, since it sounds like it may not have been forwarded from his old address. I could send messages by fax and/or e-mail to the other 2 inventors. Please let me know if this is what you would like to do.

Thanks,
Marcy

FACSIMILE TRANSMISSION COVER SHEET

TO: Darryn Ross
FAX NO.: +64 3 344-0641
FROM: Gordon F. Belcher
SENDER: Marcy H. Mancuso

**HOFFMANN & BARON, LLP
ATTORNEYS AT LAW**

NY OFFICE

**6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791**

**TELEPHONE: 516-822-3550
TELECOPIER: 516-822-3582**

• NJ OFFICE

**1055 PARSIPPANY BOULEVARD
PARSIPPANY, N.J. 07054**

**TELEPHONE: 973-331-1700
TELECOPIER: 973-331-1717**

NUMBER OF PAGES TO FOLLOW: 1

**RE: U.S. Patent Application No. 10,539,958
CHILLER UNIT
Cadbury Schweppes Ref: WO72513PUS
Our Ref: 1421-91 PCT/US**

Dear Mr. Ross,

We sent a package to you via Federal Express on April 10, 2006. The package contained legal documents including a patent application and related formal papers (a Combined Declaration and Power of Attorney and an Assignment of Invention). According to the Federal Express tracking system, the package was delivered to your address in Christchurch, New Zealand on April 13. Please let us know when you expect to return the package to us. The package contained a self-addressed prepaid return Federal Express envelope for your convenience. We would appreciate your immediate attention to this matter.

If you have any questions, please contact Mr. Belcher at the e-mail address or phone number below.

Sincerely,

Marcy H. Mancuso
On behalf of:

Gordon F. Belcher
Tel: 973-331-1700
Fax: 973-331-1717
E-Mail: gbelcher@hoffmannbaron.com

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DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	USER NAME	FILE
APR. 21.	10:39AM	#2130116433440641	G3ES	0'28"	P.	2 OK		1513

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F : FINE
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P : POLLING
E : ECM
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> : REDUCTION
+ : ROUTING

Mancuso, Marcy H.

From: Mancuso, Marcy H.
Sent: Friday, April 21, 2006 9:36 AM
To: 'andrew@formworks.co.nz'
Cc: Belcher, Gordon F.
Subject: Formal Papers for "Chiller Unit" Application, Our Ref: 1421-91 PCT/US

RE: U.S. Patent Application No. 10,539,958
CHILLER UNIT
Cadbury Schweppes Ref: WO72513PUS
Our Ref: 1421-91 PCT/US

Dear Mr. Bissett,

We sent a package to you via Federal Express on April 10, 2006. The package contained legal documents including a patent application and related formal papers (a Combined Declaration and Power of Attorney and an Assignment of Invention). According to the Federal Express tracking system, the package was delivered to your address in Parnell, Auckland on April 13. Please let us know when you expect to return the package to us. The package contained a self-addressed prepaid return Federal Express envelope for your convenience. We would appreciate your immediate attention to this matter.

If you have any questions, please contact Mr. Belcher at the e-mail address or phone number below.

Sincerely,

Marcy H. Mancuso
On behalf of:

Gordon F. Belcher
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054
Tel: 973-331-1700
Fax: 973-331-1717
E-Mail: gbelcher@hoffmannbaron.com

FACSIMILE TRANSMISSION COVER SHEET

TO: Rod Stuart
FAX NO.: +64 3 381-2067
FROM: Gordon F. Belcher
SENDER: Marcy H. Mancuso

**HOFFMANN & BARON, LLP
ATTORNEYS AT LAW**

NY OFFICE

**6900 JERICHO TURNPIKE
SYOSSET, N.Y. 11791**

**TELEPHONE: 516-822-3550
TELECOPIER: 516-822-3582**

• NJ OFFICE

**1055 PARSIPPANY BOULEVARD
PARSIPPANY, N.J. 07054**

**TELEPHONE: 973-331-1700
TELECOPIER: 973-331-1717**

NUMBER OF PAGES TO FOLLOW: 1

**RE: U.S. Patent Application No. 10,539,958
CHILLER UNIT
Cadbury Schweppes Ref: WO72513PUS
Our Ref: 1421-91 PCT/US**

Dear Mr. Stuart,

We sent a package to you via Federal Express on April 10, 2006. The package contained legal documents including a patent application and related formal papers (a Combined Declaration and Power of Attorney and an Assignment of Invention). According to the Federal Express tracking system, the package was delivered to your address in Christchurch, New Zealand on April 19. Please let us know when you expect to return the package to us. The package contained a self-addressed prepaid return Federal Express envelope for your convenience. We would appreciate your immediate attention to this matter.

If you have any questions, please contact Mr. Belcher at the e-mail address or phone number below.

Sincerely,

Marcy H. Mancuso
On behalf of:

Gordon F. Belcher
Tel: 973-331-1700
Fax: 973-331-1717
E-Mail: gbelcher@hoffmannbaron.com

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* * * TRANSMISSION RESULT REPORT (IMMEDIATE TX) (APR. 21. 2006 10:42AM) * * *

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b : COLOR
* : PC

P : POLLING
E : ECM
O : 300dpi
> : REDUCTION
+ : ROUTING

Belcher, Gordon F.

From: Rod Stuart [rod@tropicool.co.nz]

Sent: Sunday, April 30, 2006 6:35 PM

To: Belcher, Gordon F.

Subject: US Patent

Dear Marcy,

I have not received your package.

We did shift 1 1/2 years ago to the address below.

What address did you send it to?

Best regards

Rod Stuart

Cool it! with Tropicool

PO Box 1827

33 Buchan Street

Sydenham

Christchurch

New Zealand

Phone: +64-3-365 0406

Fax: +64-3-365 0407

email: info@tropicool.co.nz

website: www.tropicool.co.nz

05/15/2006

Mancuso, Marcy H.

From: Mancuso, Marcy H.
Sent: Wednesday, May 03, 2006 10:21 AM
To: 'rod@tropicool.co.nz'
Cc: Belcher, Gordon F.
Subject: U.S. National Phase Applic. No. 10/539,958 (1421-91 PCT/US)
Importance: High

RE: U.S. National Phase Applic. No. 10/539,958
"Chiller Unit"
PCT Applic. No. GB2003/005459, Filed 15 December 2003
Our Ref.: 1421-91 PCT/US

Dear Mr. Stuart:

The package for the above-referenced application was originally sent to you on April 10, 2006 to the address at 168 Cumnor Terrace, Christchurch, NZ 8002. Federal Express tracking records show that it was delivered to this address on April 19, 2006 and signed for by "S Southe".

We understand that you have not received the package. Accordingly, we will resend the package to the address contained in your e-mail attached hereto. Please return to us the documents contained in the package, according to the letter contained therein, as soon as possible.

If you have any questions, please let us know.

Sincerely,

Marcy H. Mancuso, on behalf of:

Gordon F. Belcher, Esq.
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054
Tel: 973-331-1700
Fax: 973-331-1717
E-Mail: gbelcher@hoffmannbaron.com

-----Original Message-----

From: Belcher, Gordon F.
Sent: Monday, May 01, 2006 3:38 PM
To: Mancuso, Marcy H.
Subject: FW: US Patent

Gordon F. Belcher, Esq.
Hoffmann & Baron, LLP
1055 Parsippany Blvd.
Parsippany, NJ 07054

Tel: (973) 331-1700
Fax: (973) 331-1717
E-Mail: gbelcher@hoffmannbaron.com

5/3/2006

-----Original Message-----

From: Rod Stuart [mailto:rod@tropicool.co.nz]

Sent: Sunday, April 30, 2006 6:35 PM

To: Belcher, Gordon F.

Subject: US Patent

Dear Marcy,

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We did shift 1 1/2 years ago to the address below.

What address did you send it to?

Best regards

Rod Stuart

Cool it! with Tropicool

PO Box 1827

33 Buchan Street

Sydenham

Christchurch

New Zealand

Phone: +64-3-365 0406

Fax: +64-3-365 0407

email: info@tropicool.co.nz

website: www.tropicool.co.nz

From: Origin ID: CBZA (973) 331-1700
 Daniel A. Scola, Jr
 HOFFMANN & BARON, LLP
 1055 PARSIPPANY BLVD
 SUITE 410
 PARSIPPANY, NJ 07054
 UNITED STATES



Ship Date: 03MAY06
 ActWgt: 1 LB
 System#: 2302799/INET2400
 Account#: S *****

TotWgt: 1 LB

SHIP TO: 6433650406

BILL SENDER

Rod Stuart

33 Buchan Street
 Sydenham

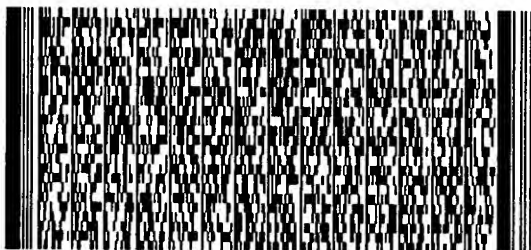
Christchurch,
 NZ

REF: 1421-91 PCT/US (0287)
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 DESC-2:
 DESC-3:
 DESC-4:
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 COUNTRY MFG: US
 CARRIAGE VALUE: 1.00 USD
 CUSTOMS VALUE: 1.00 USD
 T/C: S 116682320 D/T: S 116682320
 SIGN: Daniel A. Scola, Jr
 EIN/VAT:

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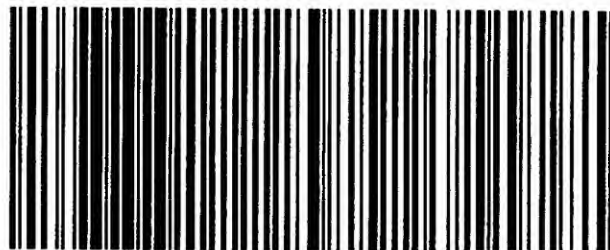
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Sender's Name (Red Stuart) Phone 973 331-1700

Company HOFFMANN & BARON

Address

Address 1055 PARSIPPANY BLVD STE 410

City PARSIPPANY State Province NJ

Country USA ZIP Postal Code 070541272

2 To Recipient's Name Mr. Gordon Belcher Phone 973-331-1700

Company Hoffmann & Baron LLP

Address 1055 Parsippamy Blvd.

Address

City Parsippamy State Province NJ

Country US ZIP Postal Code 07054

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e.g. 157892/STJNEN or as locally required

3 Shipment Information For EU Duty: Tick here if goods are not in free circulation and provide CL

Total Packages Shipper's Used and Counted 1

Weight 1 kg DIM L / W / H in cm

Commodity Description REQUIRED	Harmonized Code	Country of Manufacture	Value for Customs REQUIRED
Patent documents COMPLETE IN ENGLISH			0

For U.S. Export Duty: Check One
☐ No SED required, value \$500 or less per Schedule B Commodity number
☐ SED required (provide export license no. and exp. date or license accession symbol, where applicable)

Total Value for Customs (Specify Currency) \$1.00

PACKAGE LABEL 849031105132 COMMERCIAL INVOICE LABEL 849031105132 DELIVERY RECORD LABEL 849031105132 DELIVERY REATTEMPT LABEL 849031105132

4 Express Package Service

☒ FedEx Intl. Priority ☐ FedEx Intl. First Available to select business higher rates apply.

☐ FedEx Intl. Economy FedEx Envelope and FedEx Pak not available

5 Packaging

☒ FedEx Envelope ☐ FedEx Pak ☐ FedEx Tube ☐ Other ☐ FedEx 10kg Box ☐ FedEx 25kg Box

6 Special Handling

☐ HOLD at FedEx Location ☐ SATURDAY Delivery Available to select locations for FedEx Intl. Priority only

7a Payment Bill transportation charges for

☒ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party ☐ Cash/Check/Cheque FedEx Use Only

Credit Card No. ☐ Credit Card Exp. Date

7b Payment Bill duties and taxes for

☒ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party FedEx Acct. No.

8 Your Internal Billing Reference 1421-91 PCT/USAL0287

9 Required Signature

Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not require a U.S. State Department License or contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract. These commodities, technology, or software were exported from the United States in accordance with Export Administration Regulations. Diversion contrary to U.S. law prohibited.

Sender's Signature: *Wayne Francisco*

This is not authorization to deliver the shipment without a recipient signature.

For Completion Instructions, see back of fifth page.

500 PART 15409-new, Data 1003 0199-2003 FedEx PRINTED IN U.S.A. 0402

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Mancuso, Marcy H.

From: TrackingUpdates@fedex.com
Sent: Sunday, May 07, 2006 8:51 PM
To: Mancuso, Marcy H.
Subject: FedEx Shipment 790416017014 Delivered

This tracking update has been requested by:

Name: 'not provided by requestor'

E-mail: 'not provided by requestor'

Message: Package to Rod Stuart fwdg. letter of 4/10/06, formal papers & applic
. as filed.

Our records indicate that the following shipment has been delivered:

Tracking number:	790416017014
Reference:	1421-91 PCT/US (0287)
Ship (P/U) date:	May 3, 2006
Delivery date:	May 8, 2006 11:59 AM
Sign for by:	.ROD
Delivered to:	Receptionist/Front Desk
Service type:	FedEx International Priority
Packaging type:	FedEx Pak
Number of pieces:	1
Weight:	0.6 LB

Shipper Information
DANIEL A. SCOLA, JR
HOFFMANN BARON, LLP
1055 PARSIPPANY BLVD
SUITE 410
PARSIPPANY
NJ
US
07054

Recipient Information
ROD STUART
33 BUCHAN STREET
SYDENHAM
CHRISTCHURCH
NZ

Special handling/Services:
Deliver Weekday

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5/9/2006

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Detailed Results [Quick Help](#)

Tracking number	790416017014	Reference	1421-91 PCT/US (0287)
Signed for by	.ROD	Destination	CHRISTCHURCH NZ
Ship date	May 3, 2006	Delivered to	Receptionist/Front Desk
Delivery date	May 8, 2006 11:59 AM	Service type	Priority Pak
		Weight	0.6 lbs.

Status Delivered

Date/Time	Activity	Location	Details
May 8, 2006	11:59 AM	Delivered	CHRISTCHURCH NZ
	7:19 AM	On FedEx vehicle for delivery	CHRISTCHURCH NZ
	6:56 AM	At local FedEx facility	CHRISTCHURCH NZ
May 6, 2006	1:09 PM	In transit	AUCKLAND NZ
	10:04 AM	Int'l shipment release	AUCKLAND NZ
	7:16 AM	At dest sort facility	AUCKLAND NZ
May 4, 2006	8:37 AM	Departed FedEx location	LOS ANGELES, CA
	2:31 AM	Departed FedEx location	MEMPHIS, TN
	12:14 AM	Arrived at FedEx location	MEMPHIS, TN
May 3, 2006	11:40 PM	Departed FedEx location	NEWARK, NJ
	10:01 PM	Arrived at FedEx location	NEWARK, NJ
	9:26 PM	Left origin	EAST HANOVER, NJ
	7:34 PM	Picked up	EAST HANOVER, NJ
	9:34 AM	Package data transmitted to FedEx	





Signature proof

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Email address	Language	Exception updates	Delivery updates
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English 	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

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☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

LETTERS PATENT

Number 523377

ELIZABETH THE SECOND, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith; To all to whom these presents shall come, Greeting:

WHEREAS pursuant to the Patents Act 1953 an application has been made for a patent of an invention for

Chiller unit

(more particularly described in the complete specification relating to the application)

AND WHEREAS

CADBURY CONFECTIONERY LIMITED, 494 Rosebank Road, Avondale, Auckland, New Zealand

(hereinafter together with his or their successors and assigns or any of them called "the patentee") is entitled to be registered as the proprietor of the patent hereinafter granted:

Address for service: BALDWINS, Level 14, Baldwins Centre, 342 Lambton Quay, Wellington, New Zealand

NOW, THEREFORE, We by these letters patent give and grant to the patentee our special licence, full power, sole privilege, and authority, that the patentee by himself, his agents, or licensees and no others, may subject to the provisions of any statute or regulation for the time being in force make, use, exercise and vend the said invention within New Zealand and its dependencies during a term of twenty years from 18 December 2003 and that the patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the said term:

AND WE strictly command all our subjects whomsoever within New Zealand and its dependencies that they do not at any time during said term either directly or indirectly make use of or put into practice the said invention, nor in any way imitate the said invention without the consent, licence, or agreement of the patentee in writing under his hand, on pain of incurring such penalties as are prescribed by law and of being answerable to the patentee according to law for his damages thereby occasioned:

PROVIDED ALWAYS:

- (1) That these letters patent shall determine and become void if the patentee does not from time to time pay the renewal fees prescribed by law in respect of the patent:
- (2) That these letters patent are revocable on any of the grounds prescribed by the Patents Act 1953 as grounds for revoking letters patent:
- (3) That nothing in these letters patent shall prevent the granting of licences in the manner in which and for the considerations on which they may by law be granted:
- (4) That these letters patent shall be construed in the most beneficial sense for the advantage of the patentee.

IN WITNESS whereof We have caused these letters patent to be signed and sealed on 9 December 2004 with effect from 18 December 2003.



Neville Harris
Commissioner of Patents, Trade Marks and Designs